

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Nancy Adams, *et al.*,

Plaintiffs,

v.

Case No. 2:03cv300

Lucent Technologies, Inc.,

Judge Michael H. Watson

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Before the Court is the Magistrate Judge Abel's Report and Recommendation (hereinafter "Report") (Doc. 109).

The parties were given proper notice, pursuant to 28 U.S.C. § 636(b)(1)(C), including notice the parties would waive further appeal if they failed to file objections to the Report in a timely manner. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). To date, no objections to the Report were filed.

Magistrate Abel makes the following recommendations:


1. Robert G. Clark be dismissed from this action for failure to prosecute;
2. Daniel Leasure be dismissed from this action as he does not have standing as a plaintiff;
3. Defendant's April 6, 2005 Motion to Dismiss Certain Plaintiffs (Doc. 45) be granted in part and denied in part, as follows:

4. Defendant's Motion to Dismiss be denied as to Thomas E. Kane so long as he serves his responses to Defendant's written discovery requests within fourteen days of the filing of the Report;
5. Defendant's Motion to Dismiss be denied with regard to James C. Hughes, Jr. and Donald R. Graham as long as their responses to Defendant's written discovery requests within fourteen days of the filing of the Report and, additionally, Messrs. Hughes and Graham must file a notice with this Court stating why they did not respond to the March 15, 2006 Show Cause Order and explaining why they did not participate in discovery sooner; and
6. Defendant's Motion to Dismiss be denied with regard to Madeline Carol Renne, Albert L. Lang, Jr. and John M. Mitchell.

Upon *de novo* review of this matter, pursuant to 28 U.S.C. §636, the Court finds no error in the Report. Additionally, Defendant has not indicated to the Court it failed to receive the required discovery responses from Messrs. Kane, Hughes and Graham. Additionally, Messrs. Hughes and Graham each filed an Affidavit on May 1, 2006 (Docs. 112 and 111, respectively) explaining their failure to respond to the March 15, 2006 Show Cause Order and their failure to participate in discovery sooner. Accordingly, the Report (Doc. 109) is hereby **ADOPTED**. Therefore, Robert G. Clark is **DISMISSED** for failure to prosecute; Daniel Leasure is **DISMISSED** as he does not have standing as a plaintiff; the April 6, 2005 Motion of Defendant to Dismiss (Doc. 45) is **GRANTED IN PART**, and a list of the plaintiffs who are dismissed from this action is attached hereto

as Exhibit A, and **DENIED IN PART**, as to Thomas E. Kane, Madeline Carol Renne, Albert L. Lang, Jr., John M. Mitchell, James C. Hughes, Jr. and Donald R. Graham.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT

Helga L. Arter 209 Oak Blvd. S Dr. Greenfield, IN 46140	Joseph A Birkhimer 220 St. Marys Lane Waverly, OH 45690	Jimmy Blankenship 4894 Kresge DR Columbus, OH 43232
Joan Bledsoe 2686 Rickshaw Dr. Clearwater, FL 33764	Joseph N. Boesch 4617 Hankinson Road NE Granville, OH 43023	Wanda C. Boggess 5622 Burnett Dr. S Galena, OH 43021
Gerald R. Born 12894 Harmon Road Pickerington, OH 43147	Carol Buchwalter 8310 Warner Huffer Road Circleville, OH 43113	Brenda Bumgarner 2646 Rice Paddy Dr. Clearwater, FL 33764
Gene Cable 1270 Glen Cordray Rd. McConnelsville, OH 43756	Robert G. Clark 220 E Monroe St. Baltimore, OH 43105	Thomas C. Clark 84 Granville St. Pataskala, OH 43062
Karl F. Collins 3860 Frazier Rd West Columbus, OH 43207	Frank E. Curry 2133 Bridlewood Blvd. Obetz, OH 43207	Elisabeth Dawson 12055 Palmer Rd SW Reynoldsburg, OH 43068
Kenneth C. Delco 1335 Brookcliff Ave. Columbus, OH 43219	Sam Dickson 792 Ross Road Whitehall, OH 43213	Intentionally Left Blank
John R. Doddroe 4127 Van Fossen Rd. Johnstown, OH 43031	Carletta Dunnington 128 E Island Dr. Oak Island, NC 28465	Intentionally Left Blank
Robert L. Eberts 10971 Walnut St. Glouster, OH 45732	Harvey Eblin 573 Royma Road Corning, OH 43730	Sharon Eblin 573 Royma Road Corning, OH 43730
Lorene Edwards 1316 E Elm Lae Marion, IN 46952	Charles D. Eskew 856 Briarhill Dr. Newark, OH 43055	Alice L. Freschman 2673 Moundcrest St. Columbus, OH 43232

James Funkhouser 315 Garfield Avenue Lancaster, OH 43130	Intentionally Left Blank	Charles C. Grayson 30 Muirfield Drive Bluffton, SC 29909
Raymond E. Green 135 Valley View Dr. Johnstown, OH 43031	Juanita Griffith 468 Doverwood Dr. Reynoldsburg, OH 43068	Martha Grubb 1658 Ferris Rd. Columbus, OH 43224
Deborah Grykiewicz 6 Westview Drive Johnstown, OH 43031	Wendell L. Gundy 163 Squire Lane Hebron, OH 43025	Matthew Hairston 551 S Highland St. Columbus, OH 43223
Wayne Hausmann 151 S Yearling Road 36 Columbus, OH 43213	Rickie Horn HC 69 Box 2738 Inez, KY 41224	Brenda Howard 1891 Richtree Columbus, OH 43219
Ann Hubbard 1805 Bide A Wee Pk. Columbus, OH 43205	Intentionally Left Blank	Intentionally Left Blank
James E. Karr P.O. Box 139 Lecrone Ave. Millersport, OH 43046	Ferry L. Keedle 3495 Bolton Ave. Columbus, OH 43227	Hollis E. Keels 1319 Roberts Pl. Columbus, OH 43207
Annalee M. Kirk 101 Jackson St. Lockbourne, OH 43137	Margaret Kistler P O Box 318 Granville, OH 43023	Douglas O. Knight 4955 Attica Drive Columbus, OH 43232
Intentionally Left Blank	Daniel Leasure 3855 Pine Meadow Rd. New Albany, OH 43054	Andrew L. Long 11951 Refugee Rd SW RT3 Pataskala, OH 43062
James V. Lopinsky 3858 Noe Bixby Rd Columbus, OH 43232	Helen Martindale 13119 Fancher Road Westerville, OH 43082	Ella R. McCants 4906 Stillbreeze Ct. Columbus, OH 43230

Merele A. McGee 1094 Briarcliff Road Reynoldsburg, OH 43068	Jaclyn R. Miller 67 Bandcroft Place SE Hebron, OH 43025	Intentionally Left Blank
Intentionally Left Blank	Robert M. Moore P O Box 47 Etna, OH 43018	Intentionally Left Bland
John M. Mulligan 1235 Fountain Lane Apt. E Columbus, OH 43213	Thomas L. Nichols 1834 Burnside Rd. Pataskala, OH 43062	Walter C. Norris 608 Largo Azul Henderson, NV 89015
John C. O'Connor 199 N Cassingham Rd. Bexley, OH 43209	Lloyd A. Parkinson 7356 Warwick Ave. Reynoldsburg, OH 43068	Janet L. Peters 7679 Eastwood St. Reynoldsburg, OH 43068
Allen Priest 3461 Cadell Columbus, OH 43232	Daphne D. Priest 178 Ridgeview Dr. Johnstown, OH 43031	Daphne D. Priest 15749 Breezy Point Dr. North Ft. Myers, FL 33917
Intentionally Left Blank	Eugene Sedlock 10320 Calimesa Blvd. Space 294 Calimesa, CA 92320	Wilfred Settles, Jr. 7569 Twp Road 2 NW Thornville, OH 43076
Cassandra Sheppard 4382 Kumler Drive Whitehall, OH 43213	Dwight E. Sherrick 6168 Stornoway Dr. S Columbus, OH 43213	Opal I. Short 330 Cadbury Ct Gahanna, OH 43230
Sarah Shortreed 10610 Ashville Pike Lot 60 Lockbourne, OH 43137	Janis Shull 9585 Creek Road SW Pataskala, OH 43062	Gary L. Sims 2695 Kenview Road South Columbus, OH 43209
Susan H. Spencer 5065 S Walcott Indianapolis, IN 46227	Gary H. Starrett 1619 Faxton Dr. Sun City Center, FL 33573	Margaret Stillwell 2536 H Hingham Ln. Columbus, OH 43224

Michael L. Strawser 7089 Roundelay North Reynoldsburg, OH 43068	Thomas M. Streets 82 Woodside Dr. SW Pataskala, OH 43062	Daniel L. Walton 790 Hamburg Rd. Lancaster, OH 43130
James R. Watkins 349 Rotary St. Hayward, CA 94541	James J. Wears 5676 Cypress Rd. NE Thornville, OH 43076	Ross E. Weston, II 1179 Beaver Creek Blvd. Reynoldsburg, OH 43068
Charles F. Young 306 Huntwork St. Baltimore, OH 43105		